

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
ANDREA L. VAN VORST, KENNETH
MAHNKEN, YVETTE SOTO, and MARTIN J.
WEINER, :

Plaintiffs, :

-against- :

LUTHERAN HEALTHCARE d/b/a LUTHERAN
MEDICAL CENTER, :

Defendant. :

**DEFENDANT'S PROPOSED
VERDICT FORM FOR PLAINTIFF
ANDREA L. VAN VORST**

Docket No. 15 Civ. 1667 (LDH) (PK)

SECTION I

Has Plaintiff Andrea L. Van Vorst proven, by a preponderance of the evidence, that she is "otherwise qualified" to participate in and benefit from the services and programs offered by Defendant NYU Langone Hospital – Brooklyn, named in this lawsuit as Lutheran HealthCare d/b/a Lutheran Medical Center?

____ Yes ____ No

(Mark an "X" in the appropriate space.)

Has Plaintiff Andrea L. Van Vorst proven, by a preponderance of the evidence, that Defendant NYU Langone Hospital – Brooklyn discriminated against her in violation of the Americans with Disabilities Act, the Rehabilitation Act, the New York State Human Rights Law, and the New York City Human Rights Law?

____ Yes ____ No

(Mark an "X" in the appropriate space.)

SECTION II

Has Plaintiff Andrea L. Van Vorst proven, by a preponderance of the evidence, that Defendant NYU Langone Hospital – Brooklyn acted with discriminatory intent or deliberate indifference toward her?

_____ Yes _____ No

(Mark an “X” in the appropriate space.)

SECTION III

Has Plaintiff Andrea L. Van Vorst proven, by a preponderance of the evidence, that the actions of Defendant NYU Langone Hospital – Brooklyn caused her emotional distress and mental anguish and that she is entitled to compensatory damages?

_____ Yes _____ No

(Mark an “X” in the appropriate space.)

If yes, fill in the reasonable amount of compensatory damages below.

\$ _____

SECTION IV

You may not award punitive damages in favor of Plaintiff against Defendant unless you have first found in favor of Plaintiff and awarded her damages on her claim for discrimination in violation of the New York City Human Rights Law.

Answer the following questions only if you answered “Yes” to both questions in Section I above and you found that the Plaintiff has proven, by a preponderance of the evidence, that Defendant acted with discriminatory intent or deliberate indifference in Section II above and you awarded Plaintiff compensatory damages in Section III above.

Has Plaintiff Andrea L. Van Vorst proven, by clear and convincing evidence, that the conduct of NYU Langone Hospital toward her was wanton and reckless or malicious?

_____ Yes _____ No

(Mark an “X” in the appropriate space.)

SECTION V

Complete the following paragraph only if you answered “Yes” to the question in Section IV above.

We award punitive damages against Defendant NYU Langone Hospital – Brooklyn on Plaintiff Andrea L. Van Vorst’s claim for discrimination in violation of the New York City Human Rights Law as follows:

\$ _____ (stating the amount or, if none, write the word “none”)

Foreperson

Dated: _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANDREA L. VAN VORST, KENNETH
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MAHNKEN, YVETTE SOTO, and MARTIN J.
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WEINER,
:

Plaintiffs,

-against-

LUTHERAN HEALTHCARE d/b/a LUTHERAN
MEDICAL CENTER,
:

Defendant.
:
-----X

**DEFENDANT'S PROPOSED
VERDICT FORM FOR PLAINTIFF
KENNETH MAHNKEN**

Docket No. 15 Civ. 1667 (LDH) (PK)

SECTION I

Has Plaintiff Kenneth Mahnken proven, by a preponderance of the evidence, that he is "otherwise qualified" to participate in and benefit from the services and programs offered by Defendant NYU Langone Hospital – Brooklyn, named in this lawsuit as Lutheran HealthCare d/b/a Lutheran Medical Center?

____ Yes ____ No

(Mark an "X" in the appropriate space.)

Has Plaintiff Kenneth Mahnken proven, by a preponderance of the evidence, that Defendant NYU Langone Hospital – Brooklyn discriminated against him in violation of the Americans with Disabilities Act, the Rehabilitation Act, the New York State Human Rights Law, and the New York City Human Rights Law?

____ Yes ____ No

(Mark an "X" in the appropriate space.)

SECTION II

Has Plaintiff Kenneth Mahnken proven, by a preponderance of the evidence, that Defendant NYU Langone Hospital – Brooklyn acted with discriminatory intent or deliberate indifference toward him?

____ Yes ____ No

(Mark an "X" in the appropriate space.)

SECTION III

Has Plaintiff Kenneth Mahnken proven, by a preponderance of the evidence, that the actions of Defendant NYU Langone Hospital – Brooklyn caused him emotional distress and mental anguish and that he is entitled to compensatory damages?

____ Yes ____ No

(Mark an "X" in the appropriate space.)

If yes, fill in the reasonable amount of compensatory damages below.

\$ _____

SECTION IV

You may not award punitive damages in favor of Plaintiff against Defendant unless you have first found in favor of Plaintiff and awarded him damages on his claim for discrimination in violation of the New York City Human Rights Law.

Answer the following questions only if you answered “Yes” to both questions in Section I above and you found that the Plaintiff has proven, by a preponderance of the evidence, that Defendant acted with discriminatory intent or deliberate indifference in Section II above and you awarded Plaintiff compensatory damages in Section III above.

Has Plaintiff Kenneth Mahnken proven, by clear and convincing evidence, that the conduct of NYU Langone Hospital toward him was wanton and reckless or malicious?

_____ Yes _____ No

(Mark an “X” in the appropriate space.)

SECTION V

Complete the following paragraph only if you answered “Yes” to the question in Section IV above.

We award punitive damages against Defendant NYU Langone Hospital – Brooklyn on Plaintiff Kenneth Mahnken’s claim for discrimination in violation of the New York City Human Rights Law as follows:

\$ _____ (stating the amount or, if none, write the word “none”)

Foreperson

Dated: _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANDREA L. VAN VORST, KENNETH
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MAHNKEN, YVETTE SOTO, and MARTIN J.
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:
MEDICAL CENTER,
:

Defendant.
:
:
-----X

**DEFENDANT'S PROPOSED
VERDICT FORM FOR PLAINTIFF
YVETTE SOTO**

Docket No. 15 Civ. 1667 (LDH) (PK)

SECTION I

Has Plaintiff Yvette Soto proven, by a preponderance of the evidence, that she is "otherwise qualified" to participate in and benefit from the services and programs offered by Defendant NYU Langone Hospital – Brooklyn, named in this lawsuit as Lutheran HealthCare d/b/a Lutheran Medical Center?

____ Yes

____ No

(Mark an "X" in the appropriate space.)

Has Plaintiff Yvette Soto proven, by a preponderance of the evidence, that Defendant NYU Langone Hospital – Brooklyn discriminated against her in violation of the Americans with Disabilities Act, the Rehabilitation Act, the New York State Human Rights Law, and the New York City Human Rights Law?

____ Yes

____ No

(Mark an "X" in the appropriate space.)

SECTION II

Has Plaintiff Yvette Soto proven, by a preponderance of the evidence, that Defendant NYU Langone Hospital – Brooklyn acted with discriminatory intent or deliberate indifference toward her?

_____ Yes _____ No

(Mark an “X” in the appropriate space.)

SECTION III

Has Plaintiff Yvette Soto proven, by a preponderance of the evidence, that the actions of Defendant NYU Langone Hospital – Brooklyn caused her emotional distress and mental anguish and that she is entitled to compensatory damages?

_____ Yes _____ No

(Mark an “X” in the appropriate space.)

If yes, fill in the reasonable amount of compensatory damages below.

\$ _____

SECTION IV

You may not award punitive damages in favor of Plaintiff against Defendant unless you have first found in favor of Plaintiff and awarded her damages on her claim for discrimination in violation of the New York City Human Rights Law.

Answer the following questions only if you answered “Yes” to both questions in Section I above and you found that the Plaintiff has proven, by a preponderance of the evidence, that Defendant acted with discriminatory intent or deliberate indifference in Section II above and you awarded Plaintiff compensatory damages in Section III above.

Has Plaintiff Yvette Soto proven, by clear and convincing evidence, that the conduct of NYU Langone Hospital toward her was wanton and reckless or malicious?

_____ Yes _____ No

(Mark an “X” in the appropriate space.)

SECTION V

Complete the following paragraph only if you answered “Yes” to the question in Section IV above.

We award punitive damages against Defendant NYU Langone Hospital – Brooklyn on Plaintiff Yvette Soto’s claim for discrimination in violation of the New York City Human Rights Law as follows:

\$ _____ (stating the amount or, if none, write the word “none”)

Foreperson

Dated: _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ANDREA L. VAN VORST, KENNETH
MAHNKEN, YVETTE SOTO, and MARTIN J.
WEINER,

Plaintiffs,

-against-

LUTHERAN HEALTHCARE d/b/a LUTHERAN
MEDICAL CENTER,

Defendant.

**DEFENDANT'S PROPOSED
VERDICT FORM FOR PLAINTIFF
MARTIN J. WEINER**

Docket No. 15 Civ. 1667 (LDH) (PK)

SECTION I

Has Plaintiff Martin J. Weiner proven, by a preponderance of the evidence, that he is “otherwise qualified” to participate in and benefit from the services and programs offered by Defendant NYU Langone Hospital – Brooklyn, named in this lawsuit as Lutheran HealthCare d/b/a Lutheran Medical Center?

_____ Yes _____ No

(Mark an "X" in the appropriate space.)

Has Plaintiff Martin J. Weiner proven, by a preponderance of the evidence, that Defendant NYU Langone Hospital – Brooklyn discriminated against him in violation of the Americans with Disabilities Act, the Rehabilitation Act, the New York State Human Rights Law, and the New York City Human Rights Law?

Yes No

(Mark an "X" in the appropriate space.)

SECTION II

Has Plaintiff Martin J. Weiner proven, by a preponderance of the evidence, that Defendant NYU Langone Hospital – Brooklyn acted with discriminatory intent or deliberate indifference toward him?

_____ Yes _____ No

(Mark an “X” in the appropriate space.)

SECTION III

Has Plaintiff Martin J. Weiner proven, by a preponderance of the evidence, that the actions of Defendant NYU Langone Hospital – Brooklyn caused him emotional distress and mental anguish and that he is entitled to compensatory damages?

_____ Yes _____ No

(Mark an “X” in the appropriate space.)

If yes, fill in the reasonable amount of compensatory damages below.

\$ _____

SECTION IV

You may not award punitive damages in favor of Plaintiff against Defendant unless you have first found in favor of Plaintiff and awarded him damages on his claim for discrimination in violation of the New York City Human Rights Law.

Answer the following questions only if you answered “Yes” to both questions in Section I above and you found that the Plaintiff has proven, by a preponderance of the evidence, that Defendant acted with discriminatory intent or deliberate indifference in Section II above and you awarded Plaintiff compensatory damages in Section III above.

Has Plaintiff Martin J. Weiner proven, by clear and convincing evidence, that the conduct of NYU Langone Hospital toward him was wanton and reckless or malicious?

_____ Yes _____ No

(Mark an “X” in the appropriate space.)

SECTION V

Complete the following paragraph only if you answered “Yes” to the question in Section IV above.

We award punitive damages against Defendant NYU Langone Hospital – Brooklyn on Plaintiff Martin J. Weiner’s claim for discrimination in violation of the New York City Human Rights Law as follows:

\$ _____ (stating the amount or, if none, write the word “none”)

Foreperson

Dated: _____